

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:

KOLESZAR FARM LLC,

: CHAPTER 11

Debtor.

: BANKRUPTCY NO. 21-11653-amc

NOTICE OF APPEAL

Koleszar Farm, LLC, the Debtor in the above-captioned case, appeals under 28 U.S.C. §158(a)(1) from the Orders of the Bankruptcy Court entered on November 4, 2021, denying the Debtor's Application for Appointment of Counsel, Quashing a Subpoena served on Michael McKeever, Esquire, and ordering sanctions, granting the Motion of Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 for *nunc pro tunc in rem* Relief from the Automatic Stay and co-debtor stay (as applicable) pursuant to 11 U.S.C. §§362(d) and 1301(c) and annulling the automatic stay, and granting the Motion of the United States Trustee to Dismiss Case pursuant to 11 U.S.C. §1112(b) and retaining jurisdiction.

The names of all parties to the Orders appealed from and names, addresses, and telephone numbers of their respective attorneys are as follows:

Wilmington Trust, National Association c/o Rebecca A. Solarz,
Esquire
KML Law Group, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106-1532
(215) 627-1322

Rec'd 11-18-2021
LCSD Steven Giaramita
10:30 pm Pen
Lucy Chin

(continued on next page)

CC: Michael Antonio Giaramita, Jr. Esq
Roger V. Ashodian, Esq.
Koleszar Farm, LLC
Rebecca A. Solarz, Esq.
Wilmington Trust National Association
George M. Conway, Esq.
United States Trustee
The Honorable Ashely Chan

Parties to Appeal (continued):

George M. Conway, Esquire
Office of the United States Trustee
U.S. Custom House
200 Chestnut Street, Suite 502
Philadelphia, PA 19106-2912
(215) 597-4411

Koleszar Farm LLC
348 Pineville Road
Newtown, PA 18940
(phone number, c/o counsel)

GIARAMITA LAW OFFICES, P.C., BY:



Michael Antonio Giaramita, Jr.
Attorney ID #319299
157 Little Conestoga Road
2nd Floor
Chester Springs, PA 19425
Attorney for Appellant

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

KOLESZAR FARM LLC

: CHAPTER 11

Debtor.

: BANKRUPTCY NO. 21-11653-amc

ORDER

AND NOW, upon consideration of the Debtor's Application for Appointment of Counsel for the Debtor, Declaration of Judith M. Antunes, and Verified Statement of Proposed Counsel and after hearing of November 4, 2021, it is hereby **ORDERED** that the Application for Appointment by Regional Bankruptcy Center of Southeastern PA, P.C., and attorney Roger V. Ashodian is DENIED for reasons stated in open Court.

BY THE COURT:

Date: November 4, 2021



**HONORABLE ASHELY M. CHAN
UNITED STATES BANKRUPTCY JUDGE**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Koleszar Farm LLC

Debtor(s)

CHAPTER 11

Wilmington Trust, National Association, not in its
individual capacity, but solely as trustee for MFRA
Trust 2014-2

Movant

NO. 21-11653 AMC

vs.

Koleszar Farm LLC

Debtor(s)

Manuel A. Antunes
Judith M. Antunes

Co-Debtor(s)

George M. Conway

Trustee

ORDER

AND NOW, this day of , 2021, upon review of Wilmington Trust,
National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2's
Motion to Quash Subpoena issued by Debtor, and any response thereto, it is

ORDERED THAT: the Subpoena issued by Debtor towards Michael McKeever, Esq., dated
October 28, 2021, is hereby QUASHED, and it is

FURTHER ORDERED THAT reasonable attorney's fees and costs shall be awarded to
Movant by Debtor for this Motion.

Date: November 4, 2021



United States Bankruptcy Judge.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Koleszar Farm LLC

Debtor(s)

Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2

Movant

vs.

Koleszar Farm LLC

Debtor(s)

Manuel A. Antunes
Judith M. Antunes

Co-Debtor(s)

George M. Conway

Trustee

CHAPTER 11

NO. 21-11653 AMC

11 U.S.C. Sections 362

ORDER

AND NOW, this day of , 2021, upon consideration of the Motion of Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 for *nunc pro tunc in rem* Relief from the Automatic Stay and co-debtor stay (as applicable) pursuant to 11 U.S.C. §§ 362(d) and 1301(c), and any response thereto, it is hereby:

ORDERED AND DECREED that the Motion be, and it is hereby, GRANTED and the Automatic Stay is hereby ANNULLED; and it is hereby

FURTHER ORDERED AND DECREED that Sheriff Sale held on June 11, 2021 as to the Property located at 348 Pineville Road, Newtown, PA 18940 did not violate any automatic stay, and it is

FURTHER ORDERED AND DECREED that Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2, and its successors and assigns, is hereby granted prospective ongoing *in rem* relief from the automatic stay to proceed with the exercise of all its rights and remedies with respect to the real property located at 348 Pineville Road, Newtown, PA 18940 ("Property); and it is hereby

FURTHER ORDERED AND DECREED that the stay as provided by Bankruptcy Rule 4001(a)(3) has been waived.



Date: November 4, 2021

United States Bankruptcy Judge.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: Chapter 11
:
KOLESZAR FARM, LLC. :
:
: Case No. 21-11653 (AMC)
:
Debtor. :
:

**ORDER DISMISSING CASE AND RETAINING JURISDICTION
AND GRANTING OTHER RELIEF**

AND NOW, to wit, this 4th day of November, 2021, in consideration of the United States Trustee's Motion to Dismiss, and after hearing in open court, and for the reasons stated on the record, it is

ORDERED, that the Motion is GRANTED, and that this case is dismissed pursuant to 11 U.S.C. § 1112(b),

AND ORDERED that the parties shall have 60 days from the date hereof to file a motion for sanctions against the Debtor and/or its counsel, and in the event thereof, this Court shall retain jurisdiction to hear and determine any such motions

IT IS FURTHER ADJUDGED that the debtor is indebted to the United States

Trustee in the sum of \$250.00 for outstanding quarterly fees pursuant to 28 U.S.C. § 1930(a)(6).

BY THE COURT:



Honorable Ashely M. Chan
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

KOLESZAR FARM LLC, : **CHAPTER 11**
Debtor. : : **BANKRUPTCY NO. 21-11653-amc**

CERTIFICATION OF SERVICE

I, Michael A. Giaramita, attorney for appellant, Koleszar Farm LLC in the above-captioned matter, hereby certify that on November 18, 2021, I served a copy of the Notice of Appeal, and accompanying required documents on the following parties by ECF Notice and/or first class mail, postage prepaid, as indicated below, to the following addresses:

Wilmington Trust, National Association
c/o Rebecca A. Solarz, Esquire
KML Law Group, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106-1532

George M. Conway, Esquire
Office of the United States Trustee
U.S. Custom House
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157 Little Conestoga Road
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